

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF
M/S HEMLOCK, a ship;
Its agent, OLYMPIC STEAMSHIP
CO., INC.; and ITS UNKNOWN
OWNERS,

Appellants,

vs.

SOUTHWEST AIR POLLUTION
CONTROL AUTHORITY,

Respondent.

PCHB No. 563

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

THIS MATTER being an appeal of the owners of the ship, M/S HEMLOCK;
having come on regularly for hearing before the Pollution Control Hearings
Board on the 6th day of June, 1974, at Vancouver, Washington; and
appellants not appearing and respondent, Southwest Air Pollution Control
Authority, appearing through its attorney, James D. Ladley; and Board
member present at the hearing being W. A. Gissberg; and the Board having
considered the evidence and the transcript, exhibits, records and files
herein and having entered on the 25th day of June, 1974, its proposed

1 Findings of Fact, Conclusions of Law and Order, and the Board having
2 served said proposed Findings, Conclusions and Order upon all parties
3 herein by certified mail, return receipt requested and twenty days
4 having elapsed from said service; and

5 The Board having received no exceptions to said proposed Findings,
6 Conclusions and Order; and the Board being fully advised in the premises;
7 now therefore,

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said proposed
9 Findings of Fact, Conclusions of Law and Order, dated the 25th day of
10 June, 1974, and incorporated by this reference herein and attached
11 hereto as Exhibit A, are adopted and hereby entered as the Board's
12 Final Findings of Fact, Conclusions of Law and Order herein.

13 DONE at Lacey, Washington, this 6th day of August, 1974.

14 POLLUTION CONTROL HEARINGS BOARD

15
16 Walt Woodward
17 WALT WOODWARD, Chairman

18 W. A. Gissberg
19 W. A. GISSBERG, Member

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26 FINAL FINDINGS OF FACT,
27 CONCLUSIONS OF LAW
AND ORDER

CERTIFICATION OF MAILING

I, LaRene C. Barlin, certify that I mailed copies of the foregoing document on the 7th day of August, 1974, to each of the following parties:

Mr. Robert I. Sanders
Wood, Wood, Tatum, Mosser & Brooke
15th Floor Standard Plaza
Portland, Oregon 97204

Mr. James D. Ladley
Boettcher, LaLonde, Kleweno,
Lodge, Ladley & Witteman
P. O. Box 938
Vancouver, Washington 98660

Southwest Air Pollution Control Authority
7601 H Northeast Hazel Dell Avenue
Vancouver, Washington 98665

Olympic Steamship Co., Inc.
World Trade Building
Portland, Oregon 97204

the foregoing being the last known post office addresses of the above-named parties. I further certify that proper postage had been affixed to the envelopes deposited in the U.S. mail.


LARENE C. BARLIN
POLLUTION CONTROL HEARINGS BOARD

FINAL FINDINGS OF FACT,
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AND ORDER

BEFORE THE
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STATE OF WASHINGTON

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M/S HEMLOCK, a ship;
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SOUTHWEST AIR POLLUTION
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PCHB No. 563

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

An informal hearing on the appeal of the owners of the ship, M/S HEMLOCK came on before the Pollution Control Hearings Board, W. A. Gissberg presiding, on June 6, 1974 in Vancouver, Washington at 1:30 p.m.

Appellants did not appear. Respondent appeared by and through its attorney James D. Ladley.

After a consideration of the evidence and the transcript the

EXHIBIT A

1 the Board makes and enters the following

2 FINDINGS OF FACT

3 I.

4 On March 20, 1974 at the Port of Longview, Longview, Washington,
5 within respondent's jurisdiction, smoke was emitted from the M/S
6 HEMLOCK for twelve and one-quarter minutes of a twelve minute period
7 of time. That visual emission was of a shade darker than that designated
8 as No. 2 on the Ringelmann Chart and published by the United States
9 Bureau of Mines, namely of a shade slightly darker than a Ringelmann 3.

10 II.

11 A visual emission of the type described in paragraph I of these
12 Findings is prohibited by Section 4.02(a)(1) of respondent's Regulation I.

13 III.

14 On March 20, 1974 respondent personally served the ship's captain,
15 Y. Soda, with its Notice of Violation No. CS 1048 citing Section 4.02
16 of Regulation I. Thereafter, on March 27, 1974, a Notice of Violation
17 imposing a civil penalty in the amount of \$100.00 was mailed by
18 certified mail to:

19 "Ship Hemlock
20 c/o Olympic Steamship Co.
Portland, Oregon"

21 IV.

22 The Notice of Appeal on file in this cause admits that the Olympic
23 Steamship Co., Inc. is the local agent for the M/S. HEMLOCK. The
24 Notice of Appeal states it to be on behalf of the ship's "owners", but
25 does not reveal who are such ones.

26
27 FINDINGS OF FACT,
CONCLUSIONS AND ORDER

V.

Any Conclusion of Law hereinafter recited which should be deemed a Finding of Fact is hereby adopted as such.

Based on the foregoing Findings of Fact, the Board makes the following

CONCLUSIONS OF LAW

I.

The Board has jurisdiction of the parties and subject matter of this appeal.

II.

The M/S HEMLOCK, its local agents, Olympic Steamship Co., Inc., and its unknown owners violated respondent's Regulation I, Section 4.02.

III.

Respondent has the legal authority to impose a civil penalty up to \$250.00.

IV.

The imposition of the civil penalty in the amount of \$100.00 should be affirmed.

V.

Any Finding of Fact which should be deemed a Conclusion of Law is hereby adopted as such.

Based upon the foregoing, the Pollution Control Hearings Board hereby enters the following

ORDER

The civil penalty of \$100.00 is affirmed.

FINDINGS OF FACT,
CONCLUSIONS AND ORDER

1 DONE at Lacey, Washington this 25th day of June, 1974.

2 POLLUTION CONTROL HEARINGS BOARD

3 Walt Woodward
4 WALT WOODWARD, Chairman

5 W. A. Gissberg
6 W. A. GISSBERG, Member

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27 FINDINGS OF FACT,
CONCLUSIONS AND ORDER